

# ABEL | BAND®

ATTORNEYS AND COUNSELORS AT LAW

Mailing Address: P.O. Box 49948, Sarasota, FL 34230-6948

240 South Pineapple Avenue  
Sarasota, FL 34236  
TEL 941-366-6660  
FAX 941-366-3999

WWW.ABELBAND.COM

William P. Cox

Writer's Direct Line: (941) 364-2733

Direct E-mail: wcox@abelband.com

Please refer to our file number: 15934-1

June 20, 2006

## EX PARTE NOTICE

## VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A325  
Washington, D.C. 20554

Re: ***EB Docket No. 04-296 - Emergency Alert Systems;***  
***EB Docket No. 06-119 – Hurricane Katrina Panel Recommendations***

Dear Ms. Dortch:

On June 15, 2006, Anna Gervait, President and Chief Executive Officer, Agile Communications Group (“ACG”), and the undersigned met with Aaron Goldberger, Legal Advisor to Federal Communications Commission (“FCC”) Commissioner Deborah Taylor Tate, and Barry Ohlson, Senior Legal Advisor to FCC Commissioner Jonathan S. Adelstein, to discuss ACG’s provision of wireless emergency alert services and the development of a wireless emergency alert system (“EAS”). The positions presented by ACG were consistent with its comments and other filings submitted in the above-referenced docket, EB Docket No. 04-296, and the FCC’s Independent Panel Reviewing the Impact of Hurricane Katrina on

SARASOTA, FLORIDA

VENICE, FLORIDA

TALLAHASSEE,  
FLORIDA

DENVER, COLORADO

**ABEL BAND, CHARTERED**

Communications Networks proceeding.<sup>1</sup> ACG also distributed and discussed the attached presentation during the meetings.

ACG emphasized the many benefits of the use of short message service (“SMS”) (*i.e.*, text messaging) in the short term for the provision of wireless emergency alerts to the public and key public safety officials. Despite some limitations, *e.g.*, potential network congestion and delays and message character limits, ACG strongly believes SMS technology, such as that utilized with ACG’s high volume SMS-based messaging platform available on any web-enabled device, can and should be used to provide a complimentary service to existing broadcast and cable EAS systems. ACG notes that SMS technology has delivered messages during times of crisis and disaster, such as September 11, 2001, and Hurricane Katrina, even when most wireline and wireless network have suffered significant outages.

More importantly, ACG’s wireless alerting platform could enable local public safety agencies to alert their local communities and key first responder personnel in a relatively short amount of time prior to a known pending natural disaster, such as a hurricane, and provide important information, such as evacuation orders. ACG has previously offered its services free of charge to the American Red Cross in the wake of Hurricane Katrina, believing that SMS technology could have readily been used to help with the coordination of local emergency relief organizations and to assist with the reuniting of missing persons and separated families.

In addition to alerting members of the public who opt-in to use of a wireless alerting service, other benefits of SMS technology and the ACG alerting platform include a carrier agnostic, language agnostic platform that can easily reach the deaf community and the many international communities within the United States and abroad. ACG noted the comments of the National Council of La Raza filed with the FCC in the Hurricane Katrina Advisory Panel proceeding that many Latino people who resided in the path of the Hurricane Katrina did not receive adequate notification of the evacuation orders until it was too late. With the widespread prevalence of cellphones with SMS capabilities today, ACG strongly believes that this problem could be easily alleviated through a wireless SMS-based alert system.

ACG also encouraged the FCC to work together with the industry, including wireless carriers and technology providers such as ACG, to develop a flexible

---

<sup>1</sup> Previous comments filed by ACG in the above-referenced docket, EB Docket No. 04-296, were filed under ACG’s previous corporate name, Airt2me. ACG’s public comments submitted in the Hurricane Katrina Advisory Panel proceeding were submitted under the current name, Agile Communications Group.

Ms. Marlene H. Dortch

June 20, 2006

Page 3

wireless EAS standard and program that enables carriers and providers to develop and tailor alerting services to meet the needs of public safety agencies and local communities. ACG is supportive of the Cellular Telecommunications Industry Association ("CTIA") plan advocated by many wireless carriers to encourage the use of SMS-based wireless EAS alerting in the short term and to work together with the FCC to develop a long-term solution for wireless alerting. ACG seeks flexibility in whatever standard the Commission adopts for wireless EAS so that it can continue to develop its alerting platform to meet the needs of state agencies and local communities.

Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed. Please contact the undersigned with any questions regarding this matter.

Very truly yours,

ABEL BAND, CHARTERED

/s/ William Cox

William P. Cox

*Counsel for Agile Communications Group*

WPC:slm

cc: Aaron Goldberger  
Barry Ohlson  
Catherine Bohigian  
Gregory Cooke

Ms. Marlene H. Dortch  
June 20, 2006  
Page 4

Attachment